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ARIZONA SUPREME COURT

In the matter of:)	
)	
PETITION TO AMEND RULE)	Supreme Court No. <u>R-18-0027</u>
123, RULES OF THE SUPREME COURT)	
OF ARIZONA)	COMMENT
)	
_____)	

Pursuant to Rule 28 of the Rules of the Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully files this Comment recommending the court deny the petition.

This petition does not deal with the significant risk associated with making all non-confidential records available online to the world. For example, many accusations are made in divorce proceedings often involving third parties. Additionally, divorce decree orders often contain information regarding mental health, bank accounts, distribution of assets, that given the volume of documents, court staff could never redact. From experience, we know that all accusations are not true. The release of records claiming sexual abuse of children by one parent can have devastating consequences on the children whose classmates are now able to

learn of the event. Probate records also contain considerable personal information that may not be covered under laws making the material confidential.

The petition does not account for the financial and administrative challenges associated with automating court processes. The petitioner also overlooks the considerable progress made in recent years in making statewide case records and case information available at little or no cost to litigants and the general public. Indeed, in the coming weeks this Court will offer, for the first time, non-confidential civil and criminal superior court case records to the general public via the Internet. For many years, the Court has also offered case data for most case types from most courts at no cost from its case lookup website. This Court's Strategic Agenda has emphasized the very same goals that the petition in this matter seeks to address, but, the reality of public funding available to the judicial branch has necessitated incremental progress toward these goals. Accordingly, the petition should be denied.

Respectfully submitted this 29th day of April, 2019.

By /s/_____
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